

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Initially, the Applicants would like to thank the Examiner for the indication that claim 6 contains allowable subject matter.

In the Official Action, the Examiner objects to the disclosure because the term “universal code” appearing throughout the specification should be --universal cord--. In response, the specification has been amended to change all occurrences of “universal code” to --universal cord--. Accordingly, it is respectfully requested that the objection to the specification be withdrawn. Although not objected to, Applicants have also amended the specification to change “connecting code” at page 3 thereof to --connecting cord--.

In the Official Action, the Examiner rejects claims 1-5 and 7-12 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,982,725 to Hibino et al., (hereinafter “Hibino”) in view of U.S. Patent No. 6,793,622 to Konomura et al., (hereinafter “Konomura”). Furthermore, the Examiner rejects claims 8 and 9 under 35 U.S.C. § 103(a) as being unpatentable over Hibino and Konomura further in view of U.S. Patent No. 5,609,563 to Suzuki et al., (hereinafter “Suzuki”).¹

In response, Applicants respectfully traverse the Examiner’s rejections under 35 U.S.C. § 103(a) for at least the reasons set forth below. However, independent claims 1, 10 and 12 have been amended to clarify their distinguishing features.

With regard to claims 2-7, the same have been canceled thereby rendering the rejection thereof moot.

¹ Although both of the rejections indicate that claims 1-12 are rejected, this appears to be an error by the Examiner since claim 6 is indicated as allowable and the body of the rejections only argue against the claims indicated above.

With regard to independent claims 1, 10 and 12, the Examiner argues that Hibino discloses all of the features of the claims with the exception of the buffering member, for which he cites Konomura. Applicants respectfully disagree.

With regard to independent claims 1 and 12, Applicants respectfully submit that each of the cited references fails to disclose or suggest a buffering member that absorbs external force applied to at least one of the inserting portion, the operating portion or the connecting cord that is connected to the first unit. Independent claims 1 and 12 have been amended to clarify such distinguishing features. The amendment to claims 1 and 12 is fully supported in the original disclosure. Thus, no new matter has been entered into the disclosure by way of the present amendment to claims 1 and 12.

In stark contrast, Konomura merely discloses a buffering member for preventing a wire from being rubbed and damaged, which is very different from the buffering member as recited in independent claims 1 and 12. Thus, the buffering member disclosed in Konomura is not used for absorbing external force applied to the inserting portion or the like.

With regard to claim independent 10, Hibino does not disclose or suggest a first unit holding the motor and a second unit having a force-transmitting member. Both the motor and force-transmitting member of the endoscope of Hibino are held in the same part, namely the holding part (5). Furthermore, although Konomura may show the motor and force-transmitting part to be in different sections of the operating portion (24), such portions are not separable. Such a feature has significant advantages over that shown in Konomura because, when repairing the endoscope, the motor portion rarely needs to be replaced, while the force-transmitting portion often needs replacement (see page 19, lines 20-23, page 21, lines 8-15 of the present specification). Thus, claim 10 has been amended to clarify such a

feature. The amendment to claim 10 is fully supported in the original disclosure. Thus, no new matter has been entered into the disclosure by way of the present amendment to claim 10.

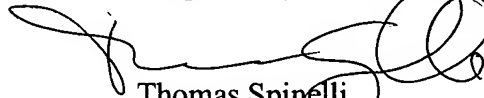
Independent claims 1, 10 and 12 are not rendered obvious by the cited references because neither the Hibino patent, the Konomura patent nor the Suzuki patent, whether taken alone or in combination, teach or suggest an electric bending endoscope having the features discussed above. Accordingly, claims 1, 10 and 12 patentably distinguish over the prior art and are allowable. Claims 8, 9 and 11 being dependent upon claims 1 and 10, are thus allowable therewith (claims 2-7 being canceled). Consequently, the Examiner is respectfully requested to withdraw the rejections of claims 1-5 and 7-12 under 35 U.S.C. § 103(a).

Furthermore, claims 1 and 12 have been amended to change the term "connecting code" to --connecting cord-- and claims 10 and 11 have been amended to change the term "universal code" to --universal cord--. The claims have also been amended to improve their form and readability. No new matter has been introduced into the disclosure in doing so.

Lastly, new claims 13-24 have been added to further define the patentable invention. New claims 13-24 are fully supported in the original disclosure. Thus, no new matter has been entered into the disclosure by way of the addition of new claims 13-24. Applicants respectfully submit that new claims 13-17 are at least allowable as depending upon an allowable base claim (1). New claim 18 patentably distinguishes over the cited references for reasons similar to those discussed above with regard to claim 10. Thus, Applicants further submit that new independent claim 18 is allowable and that claims 19-24 are at least allowable as being dependent therefrom.

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



Thomas Spinelli
Registration No. 39,533

Scully, Scott, Murphy & Presser
400 Garden City Plaza, Suite 300
Garden City, New York 11530
(516) 742-4343
TS:cm